

HB 472 is a Civil Rights Bill

Thank you for the opportunity to testify on House Bill 472.

My name is Bill Schuck. I live in Columbus, have practiced law in Ohio for 40 years, and served in the Ohio House from 1987 to 2000.

House Bill 472 will help ensure that legitimate votes are counted and illegitimate votes are not.

It protects one of our most important civil rights – the right of each qualified voter to have his or her vote counted equally and not diluted by illegitimate votes.

The U.S. Supreme Court is clear about this. In *South v. Peters*, 339 U.S. 276 (1950), Justice William Douglas, a great civil rights champion, wrote:

There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes...the right to have the vote counted at full value without dilution or discount...[This right] is personal and individual." (Dissent, pp. 279-280)

The Court emphasized this point in *Reynolds v. Sims*, 377 U.S. 533 (1964):

The Constitution of the United States protects the right of all qualified citizens to vote...The right to vote can neither be denied outright nor diluted...The right to vote freely for the candidate of one's choice is the essence of a democratic society...And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as by wholly prohibiting the free exercise of the franchise." (pp. 554-555)

Note that the Court said "qualified citizens" have a right to vote. The Ohio Constitution and Revised Code provide the following qualifications to be a voter:

1. Be a U.S. citizen
2. Be at least 18 years old
3. Be a resident of Ohio and a local voting jurisdiction for 30 days
4. Be registered to vote
5. Vote at least once in four years
6. Not be disenfranchised (found mentally incompetent to vote, incarcerated for a felony, or barred from voting due to violation of election laws)

Persons not possessing these qualifications aren't electors; their votes are unlawful and dilute legitimate votes.

The potential for wrongful voting in Ohio exists.

Ohio voter rolls include hundreds of thousands of non-citizens, people who are dead, people who have moved out of Ohio (some voting in another state), and people who haven't voted in four years (some for decades). House Bill 472 will help clean up voter rolls.

Malign actors seek to penetrate and manipulate electronic voting systems. Yet, Ohio's voting systems aren't adequately tested for cyber-security, and may only meet 2005 security standards. House Bill 472 will give Ohio's elections systems the best cyber-security in the country.

These concerns, and others dealt with in House Bill 472, are addressed in detail by other witnesses. My purpose is to convey the importance of elections integrity as a fundamental civil right.

For democracy to work, voters must have confidence that elections are fair and honest. House Bill 472 will help do that.

Thank you for your attention. I'm happy to take questions.

###